

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEVIN EDGEcomb,

Plaintiff,

v.

MAGNESITA REFRactories
COMPANY (improperly named as RHI
MAGNESITA) and IPEC, INC.

Defendants.

No. 1-19-cv-00219

NOTICE OF REMOVAL

To: The Judges of the United States District Court for the Western District of Michigan

PLEASE TAKE NOTICE that Defendant, Magnesita Refractories Company (improperly named as RHI Magnesita), hereby removes the above-captioned matter from the Circuit Court for the County of Charlevoix, Michigan to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

In support of this Notice of Removal, Defendant shows the Court the following.

1. On February 20, 2019, Plaintiff filed a Complaint in the Circuit Court of Michigan, County of Charlevoix. A copy of the Complaint is attached hereto as Exhibit A.

2. The Complaint alleges that Plaintiff “suffered permanent injuries with past, present, and future damages, including, but not limited to...post-concussive syndrome...back and chest injuries...physical pain and suffering...loss of enjoyment of life and recreational activities previously enjoyed...loss of wages and benefits...[and] expenses for hospital and medical care, therapy, rehabilitation, medications and transportation.” (Compl. ¶ 16.)

3. The amount in controversy of this action exceeds \$75,000.00.

4. Plaintiff's Complaint alleges that he was and is a resident of Corona, California. (Compl. ¶ 1.)

5. Magnesita Refractories Company, improperly sued as RHI Magnesita, is a citizen of the Commonwealth of Pennsylvania.

6. Upon information and belief, Defendant, IPEC, Inc. is a citizen of the State of Michigan with its principal place of business located at 400 West Main Street, Suite 114, Gaylord, Michigan 49735.

7. The United States District Court for the Western District of Michigan has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because it arises between citizens of different states and the amount in controversy is in excess of \$75,000.00, exclusive of interest and costs.

8. As of this date, Magnesita Refractories Company has not filed a responsive pleading in this action commenced by Plaintiff in the Circuit Court for the County of Charlevoix, Michigan.

WHEREFORE, Defendant, Magnesita Refractories Company (improperly sued as RHI Magnesita), respectfully requests that the above-captioned matter now pending in the Circuit Court for the County of Charlevoix, Michigan, be removed therefrom to this Court.

This the 21st day of March, 2019.

BOSCH KILLMAN VANDERWAL, P.C.

By:/s/Charles H. Worsfold

Charles H. Worsfold (P26949)
Attorney for Defendant Magnesita Refractories
Company (improperly named RHI Magnesita)
2900 East Beltline, NE
Grand Rapids, MI 49525
(616) 364-2900

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing Notice of Removal was served on all parties and filed with State Court listed below via the method indicated.

Stuart M. Feldheim (P30947)
Attorney for Plaintiff
30300 Northwestern Highway, Suite 108
Farmington Hills, MI 48334
(248) 932 3503

This the 21st day of March, 2019.

BOSCH KILLMAN VANDERWAL, P.C.

By: /s/Charles H. Worsfold
Attorney for Defendant Magnesita Refractories
Company (improperly named RHI Magnesita)
2900 East Beltline, NE
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